



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | | | |
|---|-------------|----------------------|----------------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/590,904 | 06/09/2000 | Dean F. Jerding | A-6585 | 1598 |
| 5642 7590 09/13/2007 SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044 | | | EXAMINER SHANG, ANNAN Q | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2623 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 09/13/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary

Application No.

09/590,904

Applicant(s)

JERDING ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-30,32-37 and 39-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-30,32-37 and 39-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 2, 3, 5-30, 32-37 and 39-64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, claims 63 and 64, it is unclear as to where support is found for the claimed "...browse-by icon..." recited in claims 63 and 64. There is no disclosure for the claimed "browse-by icon." Furthermore the specification and figures as originally presented do not illustrates the claimed "browse-by icon."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 3, 5-30, 32-37 and 39-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rothmuller (5,635,989)** in view of **Legall et al (6,005,565)** previously cited.

As to claims 63 and 64, note the **Rothmuller** reference figures 1-2, disclose method and apparatus for sorting and searching a television program guide (EPG) and

Art Unit: 2623

further disclose a programmable television services client device (Integrated Receiver Decoder 'IRD' 10) for enabling a user to search for television program information and a method for implementing a programmable TV services client device, the client device comprising:

Memory (RAM 20) comprising:

Program information (EPG) corresponding to a plurality of programs; an initial interactive program guide (IPG) arrangement; and a user interface (UI) module (col. 3, line 60-col. 4, line 16); and

A Microprocessor 'MP' 15, configured with the UI information (fig. 2) contained in RAM 20 that includes a guide arrangement for an interactive program guide (IPG), where the guide arrangement is configured to provide a user-selectable search option for television programs in first data (EPG-1, col. 4, lines 29-53); and

The Processor configured with the UI module to associate the program information with the initial IPG arrangement, the processor further configured with the UI module to:

Present the initial IPG arrangement on a display device, the initial IPG arrangement including a channel area, a first program display area adjacent the channel area, and a browse area; receive a first user input corresponding to selection of the browse area; present a first IPG arrangement on the display device responsive to the first user input (via IR remote by highlighting the program of interest, col. 4, line 54-col. 5, line 3 or via Keyboard by entering of alphanumeric characters, col. 5, lines 28-39), the first IPG (EPG-1) arrangement comprising a browse-by area that displaces the

Art Unit: 2623

channel area, the browse-by area having a search option (favorite list, col. 5, lines 4-48); receive a second user input corresponding to selection of the search option; present a second IPG arrangement on the display device responsive to the second user input, the second IPG arrangement comprising a user input field that displaces the browse-by area; receive a third user input corresponding to a search term, the third user input entered through the user input field; search the program information based on the search term; and present a third IPG arrangement on the display device responsive to the search, the third IPG arrangement comprising a second program display area that displaces the user input field, the second program display area comprising a search result comprising the program information for a portion of the plurality of television programs where the search term is in a respective television program title (see fig. 2-4 and col. 4, line 29-col.5, line 3 and line 59-col.6, line 39 and line 60-col.7, line 9).

Rothmuller fails to explicitly teach a user-selectable search option having browse-by area having a search option and providing various guide arrangements responsive to the search option.

However, note the **Legall** reference figs 2-4, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a user-selectable search option having browse area and various guide arrangements and additional search options; Power Search area which is also a channel area for selecting channels to be searched, while retaining in a display, the program display area (figs.2 and 3B and col.2, line 57-col.5, line 1+), note that Legall clearly illustrates a display interface of multiple windows, one that displays the current tune channel and

second window which includes a channel search area and also a power search area where a user selectable search option are displayed, and further discloses that once the user selects to proceed with the search, e.g., using "go" button 348...the EPG is updated (new EPG search parameters) to reflect those programs that meet the filter criteria, displayed over or in place of the old EPG within the channel area while retaining in a display, the program display area.

Therefore it would have been obvious to one of ordinary skilled artisan at the time of the invention to incorporate the teaching of Legall into the system of Rothmuller to display search options in a different window, such as a channel selection area in order not to interfere with other displayed window(s) and furthermore to enable a user to perform a power search or more integrated or text search for specific EPG formats and receive an EPG based on the search.

Claims 2-43 are met as previously discussed with respect to claims 63-64.

Claim 5 is met as previously discussed with respect to claims 63-64.

As to claim 6, the claimed "viewing device..." is met by TV display in fig. 2.

As to claim 7, the claimed "a programmable television services server device," is System Providers (col. 3, lines 14-23, which coupled to IRD via satellite, Cable links, telephone lines, etc. and periodically transmit updates to the IRD.

As to claim 8, Rothmuller further discloses where the EPG parameter corresponds to the program title for each of the plurality of TV programs (col. 4, line 54-col. 5, line 17 and lines 28-48).

Claims 15-16 are met as previously discussed with respect to claim claims 63-64.

As claim 17, Rothmuller further discloses where the user input includes a sequentially input characters related to a TV program title (Star Trek, etc., col. 4, line 54-col. 5, line 3 and lines 28-48).

Claims 18-20 are met as previously discussed with respect to claims 2-3.

Claim 21 is met as previously discussed with respect to claim 17.

Claims 22-24 are met as previously discussed with respect to claims 2-3.

Claim 25 is met as previously discussed with respect to claim 7.

Claims 26-28 are met as previously discussed with respect to claims 2-3.

Claim 29 is met as previously discussed with respect to claim 2-3.

Claim 30 is met as previously discussed with respect to claim 5.

Claims 32-33 are met as previously discussed with respect to claims 2-3.

Claim 34 is met as previously discussed with respect to claims 2-3.

Claim 35 is met as previously discussed with respect to claim 5.

Claim 36 is met as previously discussed with respect to claim 6.

Claim 37 is met as previously discussed with respect to claim 7.

Claim 42, is met as previously discussed with respect to claims 63-64.

Claim 43, is met as previously discussed with respect to claims 63-64.

Claim 44, is met as previously discussed with respect to claim 2-3.

Claim 45, is met as previously discussed with respect to claims 2-3.

Claim 46, is met as previously discussed with respect to claim 5.

Claim 47 is met as previously discussed with respect to claim 17.

Claims 48-50 are met as previously discussed with respect to claims 2-3.

Claim 51 is met as previously discussed with respect to claim 17.

Claims 52-54 are met as previously discussed with respect to claims 2-3.

Claim 55 is met as previously discussed with respect to claims 25.

Claim 56 is met as previously discussed with respect to claims 2-3.

Claim 57 is met as previously discussed with respect to claims 2-3.

Claim 58 is met as previously discussed with respect to claim 5.

As to claim 59, Rothmuller further discloses where the EPG data contains program data files of current and future TV programs (col. 3, line 60-col. 4, line 16 and col. 7, line 45-col. 8, line 1+).

As to claim 60, Rothmuller further discloses where the EPG data is received from System Providers "a server" via satellite, cable or telephone (col. 3, lines 14-23).

Claim 61 is met as previously discussed with respect to claim 59.

Claim 62 is met as previously discussed with respect to claim 60.

4. Claims 9-14 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rothmuller (5,635,989)** in view of **Legall et al (6,005,565)**, and further in view of **Boyer et al (6,268,849)**

As to claim 9, Rothmuller as modified by Legall teach all the claimed limitation as previously discussed with respect to claim 8 above, but fail to explicitly teach where the time period is selected from a list of two or more time periods displayed within the search format.

However, **Boyer** further discloses searching by time and selecting from two or more time periods displayed (fig 11, 14, Window 866, SELECT TIME OF DAY, MID DAY, AFTERNOON, etc., col. 10, line 40-col. 11, line 13).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Boyer into the system of Rothmuller as modified by Legall to provide the user with a list of time period, relating to the search, to meet specific demands of the user with respect the programs and time of the day, and provide the user with a list of program(s) and respective time periods, and enable the user to watch the program any time as desired.

As to claims 10 and 11, Rothmuller as modified by Legall, further teaches the current day, time period, but fail to explicitly teach where a default time period selection consists of current day and the following day.

However, Boyer further discloses time period selection, which includes the current day and the following day (fig 14, Window 866 and col. 11, lines 9-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Boyer into the system of Rothmuller as modified by Legall to include a default time period for the current day and the following day as taught by Boyer, to enable the user to search television programs of the next day to know in advance programs of interest.

Claims 12-14 are met as previously discussed with respect to claims 9-11.

As to claims 39-41, Rothmuller as modified by Legall teach all the claimed limitation as previously discussed with respect to claim 31, but fail to teach selecting time periods, etc., which are met as previously discussed with respect to claims 9-11.

Response to Arguments

5. Applicant's arguments with respect to claims 2, 3, 5-30, 32-37 and 39-64 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. **This office action is made final.**

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

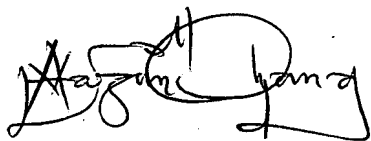
Art Unit: 2623

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized, cursive script.

Annan Q. Shang